

HOOPER, LUNDY & BOOKMAN, P.C.  
101 MONTGOMERY STREET  
11TH FLOOR  
SAN FRANCISCO, CA 94104  
TEL: (415) 875-8500 • FAX: (415) 986-2157

1 Scott J. Kiepen (State Bar No. 175504)  
2 Katrina A. Pagonis (State Bar No. 262890)  
2 **HOOPER LUNDY & BOOKMAN, P.C.**  
101 Montgomery Street, 11th Floor  
3 San Francisco, CA 94104  
4 Telephone: (415) 875-8500  
4 Facsimile: (415) 986-2157  
5 Email: SKiepen@health-law.com  
5 Email: KPagonis@health-law.com

6 Mark A. Johnson (State Bar No. 191610)  
7 Stanton J. Stock (State Bar No. 279179)  
7 **HOOPER LUNDY & BOOKMAN, P.C.**  
101 West Broadway St., Ste. 1200  
8 San Diego, CA 92101  
8 Telephone: (619) 744-7300  
9 Email: mjohnson@health-law.com  
9 Email: sstock@health-law.com

10 Attorneys for Defendants

11 Matthew Borden, Esq. (SBN: 214323)  
12 J. Noah Hagey, Esq. (SBN: 262331)  
13 Athul K. Acharya (SBN: 315923)  
14 BRAUNHAGEY & BORDEN LLP  
14 351 California Street, Tenth Floor  
15 San Francisco, CA 94104  
15 Telephone: (415) 599-0210  
15 Facsimile: (415) 276-1808  
16 Email: borden@braunhagey.com  
16 Email: hagey@braunhagey.com  
17 Email: acharya@braunhagey.com

18 Attorneys for Plaintiff

19 **UNITED STATES DISTRICT COURT**  
20 **NORTHERN DISTRICT OF CALIFORNIA**

21 KAREN MOU, on behalf of herself and those  
22 similarly situated,

Case No. 18-cv-01911-EJD

Hon. Edward J. Davila

**JOINT STATEMENT IN RESPONSE TO  
ORDER TO SHOW CAUSE**

23 Plaintiff,

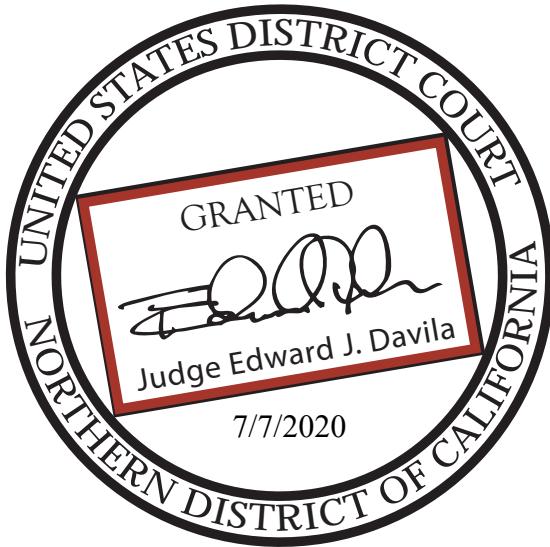
24 v.

25 SSC San Jose Operating Company LP, et al.,

26 Defendants.

27

28



1 Pursuant to the Court's Order to Show Cause Re Settlement (ECF No. 115), the Parties  
 2 hereby respectfully submit this Joint Statement, requesting ten (10) additional days (through July  
 3 15, 2020) to finalize and file a dismissal in this matter. By that time, the parties expect that all  
 4 the necessary consents and signatures will be in place and will notify the Court immediately to  
 5 obviate the OSC hearing that the Court has set for July 16, 2020.

6 Although the parties reached agreement on settlement during the course of mediation,  
 7 intervening events have impeded finalization of the settlement. In particular, because this case  
 8 involves skilled nursing facilities ("SNFs"), the unusual circumstances of the COVID-19  
 9 pandemic have created issues requiring additional time to finalize and file a dismissal.

10 Under the settlement reached during the course of mediation, the parties agreed to certain  
 11 changes to Defendants' current practices related to discharging residents. At present, the parties  
 12 are modifying that agreement in light of directives from the United States Department of Health  
 13 and Human Services to address the exigencies created by the COVID-19 pandemic and to ensure  
 14 that the injunction will not conflict with waivers or flexibilities adopted by the United States  
 15 Department of Health and Human Services in response to the COVID-19 pandemic.

16 Separately, the parties' settlement agreement is contingent upon third-party approvals to  
 17 be obtained by Defendants pursuant to loans and/or lease covenants. Although the volatility of  
 18 the COVID-19 pandemic has impeded the approval process, Defendants expect that the  
 19 approvals will be in place on or before July 15, 2020.

20 The Parties, therefore, respectfully request ten (10) days' time to obtain third-party  
 21 approvals and to submit the paperwork to the Court.

22 **The Parties shall file a response to the Order to Show Cause or a dismissal by no later  
 23 than July 15, 2020.**

24 Dated: July 6, 2020

HOOPER LUNDY & BOOKMAN, P.C.

25 By: /s/ Katrina A. Pagonis  
 26 SCOTT J. KIEPEN  
 27 KATRINA A. PAGONIS  
 28 MARK A. JOHNSON  
 STANTON J. STOCK  
 Attorneys for Defendants

1 Dated: July 6, 2020

2 BRAUNHAGEY & BORDEN LLP

3

4 By: /s/ Matthew Borden

5 MATTHEW BORDEN

6 Attorneys for Plaintiff Karen Mou and those similarly  
7 situated

8 **ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)**

9 Pursuant to Local Rule 5-1(i)(3), I, Katrina A. Pagonis, attest that all other signatories  
10 listed and on whose behalf the filing is submitted concur in this filing's content and have  
11 authorized this filing.

12 Dated: July 6, 2020

13 /s/ Katrina A. Pagonis

14 Katrina A. Pagonis

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28